

REMARKS

The present Communication is in response to the Official Action dated July 7, 2006.

As an initial matter, Applicant respectfully thanks Examiner Shaffer for conducting the telephone interview of October 23, 2006 to discuss the outstanding Final Official Action. Per the Examiner's suggestions in that telephone discussion, the present response is being submitted to set forth arguments overcoming the rejections of the final action. Specifically, as was discussed, the rejection of sole independent claim 26 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,895,426 to Scarborough et al. ("Scarborough") was improper. The previous Examiner's use of Scarborough and his assertion that claim 26 was a product-by-process claim is completely unfounded and not supported by the case law. Therefore, Applicant respectfully submits that such rejection was improper and requests that such be removed.

In the telephone discussion of October 23rd, Examiner Shaffer indicated that he would likely accept the above argument, and thereafter (if necessary), issue yet another action. Once again, Applicant respectfully thanks Examiner Shaffer for considering these arguments and continuing with prosecution of the present matter. However, at this time, Applicant must point out that he believes that currently pending claims 26 and 31-38 constitute allowable subject matter and respectfully requests speedy allowance of same.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

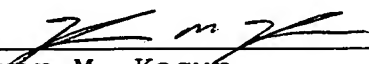
If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: October 31, 2006

Respectfully submitted,

By


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